

<b>Interview Summary</b>	<b>Application No.</b> 09/754,762	<b>Applicant(s)</b> LEWIS ET AL.
	<b>Examiner</b> Jeffrey A. Shapiro	<b>Art Unit</b> 3653

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey A. Shapiro.

(3) \_\_\_\_\_

(2) Randall Rueth.

(4) \_\_\_\_\_

Date of Interview: 22 February 2007.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 7,8,10-19 and 21-28.

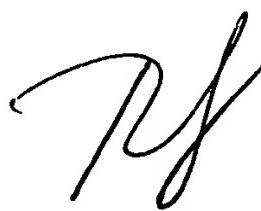
Identification of prior art discussed: Teicher (US 6,205,396 B1) and (WO 98/00819).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the rejection of Applicant's claims over Teicher '396. The Examiner agreed with Applicant's representatives that the 131 Affidavit of 1/31/07 overcomes Teicher's '396 patent. However, the Examiner noted that Teicher's '819, published in 1998, also reads on Applicant's claims, is a full disclosure of the '396 patent, and qualifies as prior art under section 102 (b). As a 102 (b) reference, Applicant is therefore precluded from swearing behind. Applicant sent proposed amendments to the independent claims, attached to this interview summary. The Examiner noted that Applicant's claims are at least obvious over Teicher '819. The Examiner agreed to rescind the last final action and provide a new non-final action with the new rejection over the '819 document as well as a rejection under 102 (f) using Exhibits C and D. The 102 (b) on-sale-bar rejection will be maintained in addition so as to present all issues for comment/rebuttal in the next response.

**PROPOSED CLAIM AMENDMENTS**

7. (Currently Amended) Apparatus for directing a stock worker to transfer stock items from various storage bins to containers according to a series of orders requesting desired quantities of specific stock items, in which each order is divided into a series of pick operations, and wherein each storage bin contains an associated stock item, the apparatus comprising:

at least one number display for showing a desired quantity of each stock item;

at least one container display for showing a unique container identifier associated with a selected container into which each stock item is to be placed, wherein each container is assigned a unique identifier;

at least two location indicators associated with the storage bins, a first location indicator comprising a light associated with each storage bin, and a second location indicator comprising a direction display; and

a computer operably coupled to the lights, the at least one number display, the at least one container display, and the direction display, wherein the computer receives the orders for the stock items and assigns a selected container to each stock item, directs the at least one number display to show the desired quantity of the stock item in a current pick operation, directs the at least one container display to show the unique container identifier associated with the selected container assigned to the current pick operation, illuminates the light for the storage bin associated with the specific stock item in the current pick operation, and operates the direction display to indicate a direction of a storage bin associated with a subsequent pick operation;

wherein the lights are incorporated into bin indicators associated with the storage bins, each bin indicator further comprising a quitting switch operably coupled to the computer and adapted to generate a pick complete signal.

18. (Previously Presented) Apparatus for assembling orders for desired quantities of specific stock items divided into pick operations, the apparatus comprising:

a plurality of storage bins, wherein each storage bin holds a specific stock item;

a central conveyor;

a plurality of containers positioned adjacent the central conveyor for temporarily holding stock items picked from the storage bins, each container having a unique identifier assigned thereto and including a dispenser operable to discharge stock items onto the central conveyor;

at least one number display for showing a desired quantity of the stock item in a current pick operation;

at least one container display for showing the unique container identifier associated with a selected container into which the stock item of the current pick operation is to be placed;

at least two location indicators associated with the storage bins, a first location indicator comprising a light associated with each storage bin adapted to show a location of the stock item required during the current pick operation, and a second location indicator comprising a direction display adapted to show a direction of a storage bin associated with a subsequent pick operation; and

a computer operably coupled to the container dispensers, the at least one number display, the at least one container display, the direction display, and the lights, wherein the computer receives the orders for the stock items and generates the pick operations, assigns a selected container to each stock item, directs the at least one number display to show the desired quantity of the stock item in the current pick operation, directs the at least one container display to show the unique container identifier associated with the selected container assigned to the stock item in the current pick operation, illuminates the light for the storage bin associated with the specific stock item in the current pick operation, operates the direction display to indicate within visual proximity of the current pick operation, a direction of a storage bin associated with a subsequent pick operation, and controls each of the container dispensers associated with a complete order to discharge at substantially the same point along the central conveyor.

18. (Previously Presented) Apparatus for assembling orders for desired quantities of specific stock items divided into pick operations, the apparatus comprising:

a plurality of storage bins, wherein each storage bin holds a specific stock item;

a central conveyor;

a plurality of containers positioned adjacent the central conveyor for temporarily holding stock items picked from the storage bins, each container having a unique identifier assigned thereto and including a dispenser operable to discharge stock items onto the central conveyor;

at least one number display for showing a desired quantity of the stock item in a current pick operation;

at least one container display for showing the unique container identifier associated with a selected container into which the stock item of the current pick operation is to be placed;

at least two location indicators associated with the storage bins, a first location indicator comprising a light associated with each storage bin adapted to show a location of the stock item required during the current pick operation, and a second location indicator comprising a direction display adapted to show a direction of a storage bin associated with a subsequent pick operation; and

a plurality of bin indicators associated with a subset of the plurality of storage bins and including the at least one number display, the at least one container display, and the at least two location indicators, and a quitting switch adapted to generate a pick complete signal; and

~~a computer operably coupled to the container dispensers, the at least one number display, the at least one container display, the direction display, and the lights, and the plurality of bin indicators wherein the computer receives the orders for the stock items and generates the pick operations, assigns a selected container to each stock item, directs the at least one number display to show the desired quantity of the stock item in the current pick operation, directs the at least one container display to show the unique container identifier associated with the selected container assigned to the stock item in the current pick operation, illuminates the light for the storage bin associated with the specific stock item in the current pick operation, operates the direction display to indicate within visual proximity of the current pick operation, a direction of a storage bin associated with a subsequent pick operation, processes the pick complete signal, and controls each of the container dispensers associated with a complete order to discharge at substantially the same point along the central conveyor.~~

37. (New) A system for assembling orders for a desired quantity of stock items divided into pick operations including a current and subsequent pick, the system comprising:

a plurality of storage bins, wherein each storage bin is able to hold a number of stock items;

one or more pick operation displays associated with a subset of the plurality of storage bins, each pick operation display including a first location indicator comprising a light associated with each storage bin adapted to show a location of the current pick operation, and a second location indicator comprising a direction display adapted to show a direction of a storage bin associated with the subsequent pick operation; and

a computer operably coupled to the one or more location indicators, wherein the computer receives orders for the specific stock items and generates the pick operations, assigns a selected container to each stock item, illuminates the light for the storage bin associated with the current pick operation, and operates the direction display to indicate a direction of a storage bin associated with the subsequent pick operation;

wherein the direction display is visibly proximate to each storage bin of the subset of the plurality of storage bins.

37. (New) A system for assembling orders for a desired quantity of stock items divided into pick operations including a current and subsequent pick, the system comprising:

a plurality of storage bins located within an aisle, wherein each storage bin is able to hold a number of stock items;

one or more pick operation displays associated with a subset of the plurality of storage bins, each pick operation display including a first location indicator comprising a light associated with each storage bin adapted to show a location of the current pick operation, a second location indicator comprising a direction display adapted to show a direction of a storage bin associated with the subsequent pick operation, and a quitting switch adapted to generate a pick complete signal; and

a computer operably coupled to the one or more location indicators, wherein the computer receives orders for the specific stock items and generates the pick operations, assigns a selected container to each stock item, illuminates the light for the

storage bin associated with the stock item in the current pick operation, operates the direction display to indicate a direction of a storage bin associated with the subsequent pick operation, and processes the pick complete signal;

wherein the subsequent pick operation indicated by the direction display is located within the aisle.

38. (New) The apparatus of claim 37, further comprising a plurality of central indicators, wherein each central indicator incorporates a number display, a direction display, and a container display, and wherein each central indicator is associated with the subset of the plurality of storage bins.

39. (New) The apparatus of claim 38, wherein each central indicator further comprises a multi-purpose exception button operably coupled to the computer.

40. (New) The apparatus of claim 38, wherein the location indicators are incorporated into bin indicators associated with the storage bins, each bin indicator further comprising a quitting switch operably coupled to the computer and adapted to generate a pick complete signal.

41. (New) The apparatus of claim 37, further comprising an integrated bin indicator associated with each storage bin of the subset of the plurality of storage bins, each integrated bin indicator including the number display, the container display, and the light.

42. (New) The apparatus of claim 41, wherein the integrated bin indicator further comprises a direction display operably coupled to the computer, the computer controlling each direction display to indicate a direction of a storage bin associated with a subsequent pick operation.

43. (New) The apparatus of claim 41, wherein each integrated bin indicator further comprises a quitting switch operably coupled to the computer and adapted to generate a pick complete signal.

44. (New) The apparatus of claim 41, wherein each integrated bin indicator further comprises a multi-purpose exception button operably coupled to the computer.

45. (New) The apparatus of claim 41, wherein a stock worker is assigned to the subset of the plurality of storage bins, and wherein the computer directs each stock worker to pick products from storage bins within the subset of the plurality of storage bins.

46. (New) The apparatus of claim 45, wherein the computer may override the assigned subset of the plurality of storage bins to direct stock workers to storage bins located in heavy pick areas.